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11 | *Counsel for Plaintiffs*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

15 | WildEarth Guardians, et al.,

No. 4:19-CV-00441-CKJ

Plaintiffs,

18 | VS.

19 David Bernhardt, as Secretary of the
20 Department of the Interior, et al.,

STIPULATION AND JOINT CASE MANAGEMENT PLAN

21 | Federal-Defendants.

In response to this Court’s December 18, 2019 request, Plaintiffs and Federal-
Defendants (“the Parties”), met and conferred and respectfully submit this Stipulation and
Joint Case Management Plan for resolution of this matter and state as follows:

1 1. The Parties agree that this case is a civil action for declaratory and injunctive relief
2 against Federal-Defendants brought under the Endangered Species Act (“ESA”), 16
3 U.S.C. § 1533 *et seq.*, and the Administrative Procedure Act (“APA”), 5 U.S.C. § 706.
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5 2. The Parties agree that this case can likely be resolved following the lodging of the
6 administrative record (as outlined below) and through briefing on the merits (summary
7 judgment) and without a trial. As such, this matter is exempt from preliminary pretrial
8 statements, discovery plans, and related requirements unless otherwise ordered by the
9 Court.

10 3. The Parties agree this case is not suitable for an alternative dispute resolution
11 program such as arbitration, mediation, or judicial settlement conference. The Parties,
12 however, agree to explore settlement in this matter informally, amongst themselves, and
13 have allowed time in the schedule (outlined below) to accommodate such talks.

14 4. The Parties have met and conferred and propose the following schedule:

15 a. Federal-Defendants will compile and lodge an administrative record with
16 this Court on or before March 31, 2020. A complete and accurate copy of
17 the administrative record and index will simultaneously be sent to
18 Plaintiffs’ counsel. The administrative record will be filed in an indexed
19 and searchable electronic format on CDs or USB thumb-drives. After
20 Federal-Defendants lodge the administrative record, the Parties will
21 endeavor to resolve any outstanding issues and disputes regarding the
22 content of the administrative record amongst themselves. Should this effort
23 prove unsuccessful, Plaintiffs will have until May 29, 2020, to file any
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1 motions seeking to complete or objecting to the contents of the
2 administrative record, seeking to supplement the record with extra record
3 documents, seeking to conduct discovery , and/or any combination of such
4 motions. Federal-Defendants reserve the right to oppose any such motion(s)
5 and affirmatively assert their position that discovery is not appropriate in
6 cases such as this.

- 7
- 8 b. The filing of any such motion(s) concerning the administrative record will
9 automatically stay briefing on summary judgment pending resolution of
10 any such motions. Within two weeks following an order on any such
11 motion(s), the Parties will submit a new, proposed briefing schedule to this
12 Court that includes specific deadlines for resolving this matter on cross-
13 motions for summary judgment.
- 14
- 15 c. If no motion(s) concerning the administrative record or seeking to conduct
16 discovery are filed, Plaintiffs shall file a motion for summary judgment and
17 supporting memorandum by July 17, 2020 (limited to 30 pages). Federal-
18 Defendants' response to Plaintiffs' motion for summary judgment and
19 cross-motion for summary judgement and supporting memorandum shall be
20 filed by August 21, 2020 (limited to 30 pages). Plaintiffs' joint response
21 and reply to Federal-Defendants' cross-motion for summary judgment shall
22 be filed by September 25, 2020 (limited to 15 pages). Federal-Defendants'
23 reply to Plaintiffs' motion for summary judgment shall be filed by October
24 23, 2020 (limited to 15 pages).

The Parties submit that the above schedule will facilitate the timely, efficient, and economical resolution of this civil action. Accordingly, good cause exists for granting this stipulation and joint motion and adopting the Parties' proposed schedule.

Respectfully submitted this 24th day of January, 2020.

/s/ Kelly E. Nokes
Kelly E. Nokes

Counsel for Plaintiffs

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